

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,        )  
                                        )  
                                        Plaintiff, )  
vs.                                      )        No. 12-CR-00140-PB  
                                        )  
LISA BIRON        ,                   )  
                                        )  
                                        Defendant )

**OBJECTION CONCERNING GOVERNMENT'S  
LIST OF PROPOSED EXHIBITS**

Defendant Lisa Biron, through her counsel, respectfully objects to certain exhibits on the Government's proposed list of exhibits, specifically exhibits number 9(a) through 9(e).

1. The Government submitted a list of proposed exhibits to counsel for the defendant on January 3, 2013, dated January 2, 2013. Exhibits 9(a) through 9(e) allegedly consist of recorded phone calls from the Strafford County Jail
2. These phone calls are, respectively, 19 minutes, 11 minutes, 19 minutes, 12 minutes and 13 minutes in length. The topics spoken about cover a wide range of areas that are irrelevant to any issue in these cases. The Government has not indicated why these phone calls are relevant. Because of this, the defendant seeks the exclusion of these recorded phone calls from evidence at trial.

**Government's Position**

The defense submits that given as the Government's Proposed Exhibit List was only received several days ago he has had little time to digest the list and has not had time to determine the Government's position and instead thought time would be better spent preparing a response. *See*

Local Rule 7.1(c).

**Conclusion**

For the foregoing reasons, the defendant respectfully requests that this Honorable Court to exclude this evidence as inadmissible under Federal Rules of Evidence 401 and 402.

Respectfully submitted,

*/s/ James H. Moir*  
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Attorney for Defendant  
Lisa Biron

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of January, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

*/s/ James H. Moir*  
**JAMES H. MOIR**